

JAP:JSR

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M 12- 138**

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UNITED STATES OF AMERICA

-against-

GALLEGOS COURIER S.A.  
MAIL PARCEL ADDRESSED TO "M. TORRES  
CARLOS MANUEL," SENDER "MOROCHO  
CAYAMBE VICTOR HUGO"  
(THE "SUBJECT PARCEL")

AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT  
(T. 21 U.S.C. §§  
841(a)(1) and 846)

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EASTERN DISTRICT OF NEW YORK, SS:

CHRISTOPHER HERZOG, being duly sworn, deposes and says  
that he is a Special Agent with the Department of Homeland  
Security, Homeland Security Investigations ("HSI"), duly  
appointed according to law and acting as such.

Upon information and belief, there is probable cause to  
believe that controlled substances, constituting violations of  
Title 21, United States Code, Sections 841(a)(1) and 846, are  
presently concealed within the following parcel:

GALLEGOS COURIER S.A.  
MAIL PARCEL ADDRESSED TO "M. TORRES  
CARLOS MANUEL," SENDER "MOROCHO  
CAYAMBE VICTOR HUGO"  
(THE "SUBJECT PARCEL").

The source of your affiant's information and the  
grounds for his belief are as follows:<sup>1/</sup>

<sup>1/</sup> Because the purpose of this Affidavit is to set forth only

1. I am employed as a Special Agent with HSI, currently assigned to the JFK Narcotics Smuggling Unit ("JNSU") at John F. Kennedy Airport, Queens, New York. I have been a Special Agent for the Department of Homeland Security for approximately nine years. In that capacity, I have participated in numerous narcotics investigations, including the execution of search warrants and narcotics seizures. I am familiar with the facts and circumstances of this investigation from my personal participation in the investigation and from information obtained from other law enforcement agents.

2. On or about February 3, 2012, pursuant to an on-going narcotics investigation, HSI agents located a package that had arrived at Gallegos Travel, located in Corona, Queens, through their courier service and that the package was awaiting pick-up.

3. On February 3, 2012, HSI agents brought the SUBJECT PARCEL back to their office and requested and obtained assistance from the United States Customs and Border Protection ("CBP") canine unit. A canine from the CBP canine unit arrived on scene and sniffed the SUBJECT PARCEL, with negative results. The SUBJECT PARCEL is approximately 11 inches long, 6 ½ inches high, and 3 ¾ inches deep; the SUBJECT PARCEL is wrapped in

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those facts necessary to establish probable cause to search, I have not set forth all of the facts and circumstances of which I am aware.

multi-color plastic in addition to clear plastic tape. According to the Gallegos Courier S.A. label, the SUBJECT PARCEL weighs approximately 4 lbs.

4. On February 6, 2012, HSI agents met with Port Authority of New York/New Jersey Police Officer Michael Petriello, a certified narcotics detection canine handler. The SUBJECT PARCEL was placed on the ground in an empty box. Officer Michael Petriello exposed the empty box containing the SUBJECT PARCEL to his trained canine, Nova, for exterior inspection and review. Nova reacted to the empty box containing the SUBJECT PARCEL by sitting next to the empty box containing the SUBJECT PARCEL. Officer Michael Petriello informed HSI agents that Nova's reaction to the empty box containing the SUBJECT PARCEL indicated a positive alert for the presence of controlled substances.

5. Nova is a Labrador retriever, originally certified as a narcotics detection canine after completing canine training with the Port Authority Police Department in January 2007. Nova was certified to detect the odors of marijuana, cocaine, heroin, ecstasy and methamphetamines. Nova was last certified in June 2011 by the United States Police and Canine Association, Region 15.

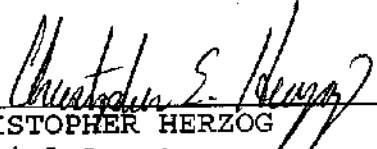
6. Nova has received numerous hours of training and is employed on a daily basis for the purpose of detecting

narcotic and marijuana odors. Nova is deployed to conduct searches of packages, containers, vehicles, buildings and their contents. Nova has been approximately 96% accurate in detecting the presence of controlled substances within parcels and other items. That is, in approximately 96% of the instances in which Nova alerted to a package, the package contained contraband. Nova alerts after detecting the scent of controlled substances by sitting down. Therefore, there is probable cause to believe that Nova is reliable and that the SUBJECT PARCEL contains a controlled substance or its residue.

7. The SUBJECT PARCEL is presently secured at the HSI office at John F. Kennedy Airport, Queens, New York.

WHEREFORE, your affiant respectfully requests that a warrant be issued authorizing HSI agents, with such other assistance as may be necessary, to open the SUBJECT PARCEL and

to search for and seize controlled substances, which constitute evidence of violations of Title 21, United States Code, Sections 841(a)(1) and 846.

  
CHRISTOPHER HERZOG  
Special Agent  
HSI

Sworn to before me this  
8th day of February, 2012

HONORABLE LOIS BLOOM  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

**ATTACHMENT A**

GALLEGOS COURIER S.A. MAIL PARCEL ADDRESSED TO "M. TORRES CARLOS MANUEL," SENDER "MOROCHO CAYAMBE VICTOR HUGO."

(A box wrapped in multi-color plastic that is approximately 11 inches long, 6 ½ inches high, and 3 ¾ inches deep and weighing approximately 4 lbs.)